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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kai LICHA et al.

Serial No.: 10/762,582

Group Art Unit: 1654

Filed: January 23, 2004

Examiner: KOSAR, Andrew D

For: HYDROPHILIC, THIOL-REACTIVE CYANINE DYES AND CONJUGATES
THEREOF WITH BIOMOLECULES FOR FLUORESCENCE DIAGNOSIS

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on May 17, 2005, applicants elect with traverse Group I, claims 1-24 and 27-33. As a species of indotiocarbocyanine applicants elect the species claimed in claim 9. As a species of conjugates of claims 27-32, applicants elect ED-B-fibronectin specific antibodies.

The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined." If the restriction requirement is maintained at this point, rejoinder of the non-elected claims are respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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